

REMARKS

Claims remaining in the present continuation application are numbered 22-42. Claims 22, 24, 27, 28, 29, and 30 have been amended. Claim 21 has been newly canceled. No new matter has been added. Applicant respectfully requests reconsideration of the remaining Claims.

35 U.S.C. §102 Rejection

The present Office Action rejected Claims 21, 22, 27, and 30 under 35 U.S.C. 102(e) as being anticipated by Mato, Jr. (U.S. Patent No. 6,204,839).

NEWLY ALLOWABLE SUBJECT MATTER

Applicant wishes to thank the Examiner for the indication that Claims 23-26 and 31 would be allowable if rewritten in independent form including the limitations of their base claim and any intervening claims.

INDEPENDENT CLAIM 24

Applicant has herein amended into Independent Claim 24 the subject matter of Claim 21, which was cited on page 5 of the present Office Action as being allowable if rewritten in independent form including the limitations of its base Claim and any intervening claims. As a result, newly amended independent Claim 24 is now allowable over the prior art, and a discussion of

the 35 U.S.C. §102(e) rejection of that Claim is moot at this time. Accordingly, Applicant respectfully submits that independent Claim 24, as amended, overcomes the Examiner's basis for rejection, and as such Claims 22, 23, and 25-31 which depend on newly amended independent Claim 24 are also in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103 Rejection

The present Office Action rejected Claim 28 under 35 U.S.C. 103(a) as being unpatentable over Mato, Jr. in view of Milkan (U.S. Patent No. 6,469,694). Also, Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mato, Jr. in view of Crowley et al. (U.S. Patent No. 5,459,461). Applicant has reviewed the above cited references and respectfully submit that the present invention as recited in Claims 28 and 29 is neither anticipated nor rendered obvious by the Mato, Jr. reference taken alone or in combination with the Milkan and Crowley et al. references.

Applicants respectfully submit that the present invention as disclosed in dependent Claims 28 and 29 are not anticipated by the Mato, Jr. reference taken alone or in combination with the Milkan and Crowley et al. references since they depend on allowable base Claim 24, as previously discussed. Specifically, embodiments of the present invention as described in Claims 28 and 29 for analogous arguments set forth above with respect to

independent Claim 24, each describe in part a speed of a pointer based on a key distance from corresponding key to a reference point. As such, dependent Claims 28 and 29 are in a condition for allowance as being dependent on allowable base claim 24.

Terminal Disclaimer and Nonstatutory Type Double Patenting

Claims 21-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-15 of U.S. Patent No. 6,727,829. Applicant will immediately and timely file a terminal disclaimer in compliance with 37 CFR 1.321(b) with regards to Claims 22-42 to overcome the rejection that is based on grounds of nonstatutory double patenting. In addition, Applicants have canceled Claim 21.

As such, Applicant respectfully submits that independent Claims 24 and 32 are allowable, upon the timely filing of the terminal disclaimer. In addition, Applicant respectfully submits that Claims 22, 23, and 25-31, which have no formal objections, are also in a condition of allowance since they depend from allowable base claim 24. Further, Applicant respectfully submits that Claims 33-42, which have no formal objections, are also in a condition of allowance since they depend from allowable base claim 32.

CONCLUSION

In light of the above-listed remarks presented herein, Applicant respectfully requests reconsideration of the rejected Claims.

Based on the arguments presented above, Applicant respectfully asserts that Claims 22-42 overcome the objections of record. Therefore, Applicant respectfully solicit allowance of these claims.


The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date:

10/18/06



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